

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kazuo YAMAMOTO, *et al.*  
Title: **CARBOHYDRATE LIBRARY CONSTRUCTED BY GENE  
ALTERATION OF CARGO RECEPTORS**  
Appl. No.: 10/525,020  
Filing Date: 2/18/2005  
Examiner: Sue Liu  
Art Unit: 1639



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**INTERVIEW SUMMARY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to a request from Examiner Sue Liu, applicants submit this summary of a telephonic interview conducted on February 21, 2006, between Examiner Liu and Yang Tang, regarding the above-captioned application.

**Response to Election/Restriction**

Examiner Liu put forward the following restriction requirement: Group 1 (claims 14-18), drawn to eukaryotic cells comprising heterologous DNA coding for a cargo receptor; Group 2 (claims 19 and 20), drawn to a method for producing a glycoprotein; and Group 3 (claim 21), drawn to a method for screening for a test substance. In the course of the interview, applicants elected Group 1, claims 14-18, with traverse.

According to Examiner Liu, the fact that the art was aware of the "special technical feature" of Group 1, which she identifies as heterologous DNA coding for a cargo receptor, is evidenced by Appenzeller *et al.* of record. Applicants respectfully disagree.

The Appenzeller publication describes a mutation that is not introduced into the carbohydrate-recognition region of cargo receptor. Further, the publication does not disclose the use of mutated cargo receptors for expression of glycoproteins. By contrast, the claimed invention is

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Atty. Dkt. No. 081356-0233

related to eukaryotic cells comprising heterologous DNA coding for a cargo receptor *with an alteration of its carbohydrate recognition domain*. Thus, Appenzeller in no way suggests the special technical feature of Group 1.

For this reason, applicants request that Examiner Liu withdraw the aforementioned restriction, at least as to Groups 1 and 3. The Examiner also has acknowledged that, where applicants elect claims directed to a product, and a product claim subsequently is found allowable, then withdrawn process claims will be rejoined that depend from or incorporate the allowed product claim.

### Response to Species Election

Examiner Liu further requested that applicants elect a species characterized in terms of (A) a specific cargo receptor and (B) a particular glycoprotein. To this end, applicants initially elected the species characterized by ERGIC-53 for cargo receptor and membrane-bound protein for glycoprotein.

Examiner Liu confirmed Applicants' request in a voice mail of March 1, 2006 to change the species election to VIP36 for cargo receptor and to maintain the election of membrane-bound protein for glycoprotein. Elected claims 14, 15, and 16 read on the elected species.

Again, the Examiner has acknowledged that, upon the allowance of a generic claim, applicants will be entitled to consideration of coverage for a reasonable number of additional species as provided by 37 CFR 1.141.

In keeping with the February 21<sup>st</sup> interview, applicants understand that Examiner Liu will address this response in a first action on the merits, to follow.

Respectfully submitted,

Date March 2, 2006

By Stephen A. Bent

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5404  
Facsimile: (202) 672-5399

Stephen A. Bent  
Attorney for Applicant  
Registration No. 29,768